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YOUNG & THOMPSON

International Patent & Trademark Law

CONFIRMATION

Established 1903

Emil Bönnelycke
1875-1936

William H. Young
1902-1958

Irvin S. Thompson
1903-1979

URGENT



December 15, 2005

U.S. Patent and Trademark Office
Patent Technology Centers
P. O. Box 1450
Alexandria, VA 22313-1450

Attn: Examiner Anne R. Kubelik

VIA FACSIMILE – 571-273-0801

Re: Pascual PEREZ et al.
U. S. Application No. 09/380,086
Our Ref.: 0512-1062

Dear Examiner Kubelik:

In response to our interview of November 15, 2005, we would like to further discuss why the last two steps of Claim 29 are no longer necessary.

The last two steps recited in Claim 29 were introduced in response to the Office Action dated February 24, 2004.

It was then recited that the transgene encoded “a therapeutic or prophylactic compound of human or animal origin.” The features “and recovering the compound by extraction and wherein said compound is administered to a human or animal” had been added to specify that the compound encoded by the transgene as intended for therapeutic or prophylactic use in a human or animal.

This amendment was made in view of d’Halluin, which disclosed a construct with a kanamycin resistance gene, which was regarded by the Patent Office as a therapeutic or prophylactic compound.

However, the compound encoded by the kanamycin resistance gene is not a therapeutic or prophylactic compound in a human or animal.

December 15, 2005

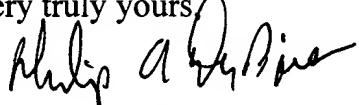
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The term "a therapeutic or prophylactic compound of human or animal origin" has been replaced by "dog gastric lipase or collagen."

Thus, the recitation "and recovering the compound by extraction and wherein said compound is administered to a human or animal" which had been introduced specifically in connection with the term "and recovering the compound by extraction and wherein said compound is administered to a human or animal" is no longer justified.

Thus, if possible, we would like to briefly discuss this matter with you.

Very truly yours,



Philip A. DuBois

PD/msd